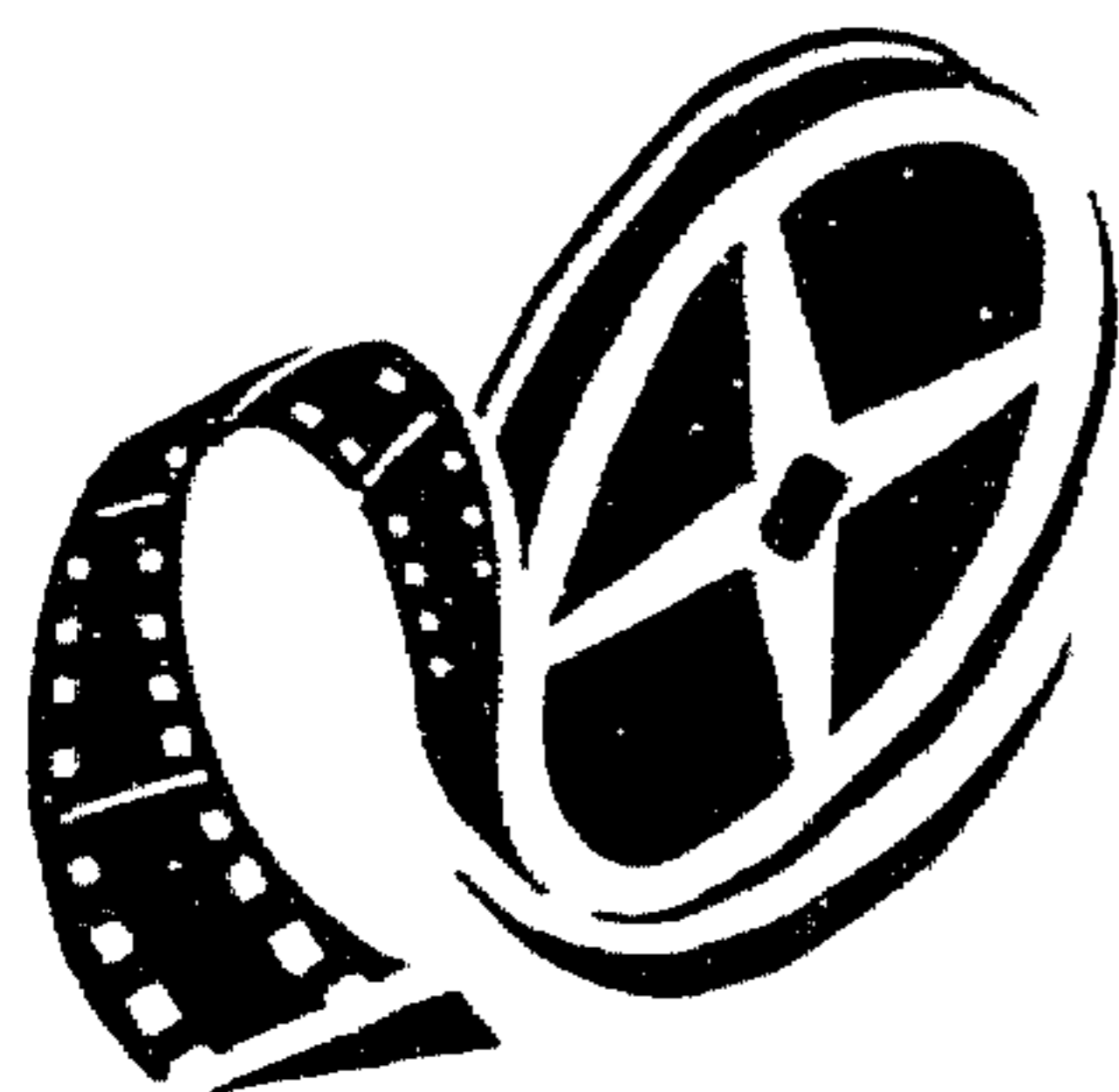


# **INFORMATION SHEET**

## FILE/DOCUMENT TITLE SHEET

CP 93-06-025



**TOTAL INFORMATION MANAGEMENT CORPORATION**  
**Emeryville • Sacramento**

07/11/94 17:40

415 982 4608

PETTIT & MARTIN

002

LOS ANGELES  
355 SOUTH GRAND AVENUE  
LOS ANGELES, CALIFORNIA 90071  
(213) 526-1717  
FACSIMILE (213) 433-4704

SAN JOSE  
50 WEST SAN FERNANDO STREET  
SAN JOSE, CALIFORNIA 95113  
(408) 295-3210  
FACSIMILE (408) 295-3210

PETTIT & MARTIN  
ATTORNEYS AT LAW  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION  
101 CALIFORNIA STREET  
SAN FRANCISCO, CALIFORNIA 94111-5841  
(415) 434-4000  
FACSIMILE: (415) 982-4608  
TELEX: WU 930443 PMLAWSFO  
SENDER'S DIRECT DIAL NUMBER

NEWPORT BEACH  
4885 MACARTHUR COURT  
NEWPORT BEACH, CALIFORNIA 92660  
(714) 478-7876  
FACSIMILE (714) 478-0117

WASHINGTON, D.C.  
601 THIRTEENTH STREET, N.W.  
WASHINGTON, D.C. 20005  
(202) 637-3608  
FACSIMILE (202) 637-3608

July 11, 1994

BY FACSIMILIE (408) 277-3250 & MAIL

Mr. Ray Hashimoto  
Department of City Planning  
City of San Jose  
801 North First Street  
San Jose, CA 95110-1795

Re: Withdrawal of Certain Applications for  
Conditional Use Approval for 24-Hour Operation  
for Taco Bell Stores

Dear Mr. Hashimoto:

On behalf of our client, Taco Bell Corporation, I  
hereby withdraw the following Conditional Use Permit  
Applications:

CP 93-05-016 - Meridian and Willow  
CP 93-06-025 - Meridian and Fruitdale  
CP 93-06-026 - Blossom Hill and Waltrup  
CP 93-06-032 - West San Carlos and Richmond  
CP 93-06-033 - Snell and Giuffrida  
CP 93-06-034 - First Street and Floyd  
CP 93-06-035 - Story and King

The withdrawal of these seven applications leaves four  
1993 conditional use applications still on file (Numbers 21, 22,  
28, 30). In addition, we have recently submitted two 1994  
applications. We have also recently completed the application  
for CP 93-06-030 (Bascom and Fruitdale).

07/11/94 17:40

415 982 4608

PETTIT & MARTIN

003

PETTIT & MARTIN

Mr. Ray Hashimoto  
July 11, 1994  
Page 2

Our client will seek to determine during the next couple of months whether it wishes to proceed with the other three pending applications.

Thank you for your cooperation.

Sincerely,



John M. Sanger

JMS:bpp:596/S

cc: Mary Jean Duran  
Michael W. Sheehan  
Yvonne Ryzak



# DEPARTMENT OF CITY PLANNING

801 N. First Street, San Jose, CA 95110 (408) 277-4576

## CITY OF SAN JOSE

FILE NO	COUNCIL DISTRICT	
CP93-06-025	06 W4	
FILING DATE	PROJECT COORDINATOR	
22 JUNE 93		
ENVIRONMENTAL STATUS	ENVIRONMENTAL APPROVAL DATE	
-		
ANNEXATION DATE & NAME	PREVIOUS FILE	
31 DEC 1980 HAMILTON #43	AD89-07-342	
PROJECT DESCRIPTION		
24 HR FAST FOOD		
LOCATION		
E/S MERIDIAN MENUE DRIVE 430 FT S/LY FRUITVILLE MENUE		
JULIUS & EY DND HWY 280		
NAME OF OWNER		
SARAH DENICE		
ASSESSOR'S PARCEL NUMBER	CENSUS TRACT NUMBER	
264-02-049	5023	
EXISTING USE	LAND USE CODE	
FAST FOOD	53	
PROPOSED USE	LAND USE CODE	
FAST FOOD	53	
SPECIFIC CODE USE	ZONING MAP NUMBER	
SB11	78	
EXISTING ZONING	PROPOSED ZONING	
C-1	C-1	
G.P. DESIGNATION	G.P. CODE	G.P. CONFORMANCE
HDR	12-25 WA	YES <input type="checkbox"/> NO <input type="checkbox"/>
GROSS ACRES	NET ACRES	
0.307	0.307	
GROSS FLOOR AREA	NO. OF STORIES	NO. OF BUILDINGS
EXISTING BUILDING	-	-
NO. OF UNITS	TYPE OF UNIT	
-	-	
NO. OF EXISTING LOTS	NO. OF PROPOSED LOTS	
ONE	ONE	
PARKING SPACES REQUIRED	PARKING SPACES PROPOSED	
-		
ESTIMATED OCCUPANCY DATE		
OCCUPIED		
ELEMENTARY SCHOOL DISTRICT	HIGH SCHOOL DISTRICT	
-	-	
SPECIAL DISTRICTS		
EXISTING BUILDING		
HAZARD-SENSITIVE ZONES:	<input type="checkbox"/> GEOLOGIC HAZARD	<input type="checkbox"/> ARCHAEOLOGY
<input type="checkbox"/> ALQUIST-PRIOLO	<input type="checkbox"/> SEISMIC	<input type="checkbox"/> FLOOD
<input type="checkbox"/> LANDSLIDE	<input type="checkbox"/> NOISE	<input type="checkbox"/> REDEVELOPMENT AREA
<input type="checkbox"/> LAND SUBSIDENCE	<input type="checkbox"/> TRAFFIC	<input type="checkbox"/> OTHER
<input type="checkbox"/> LIQUIFACTION	<input type="checkbox"/> AIRPORT ZONE	DE/MYDR/LMP

## PROJECT APPLICATION SUMMARY



City of San Jose

Department of City Planning

801 North First Street, Room 400  
San Jose, CA 95110  
(408) 277-4576

## CONDITIONAL USE PERMIT/AMENDMENT APPLICATION

TO BE COMPLETED BY DEPARTMENT OF CITY PLANNING STAFF		
FILE NUMBER <b>CP</b> CP 93-06-025	COUNCIL DISTRICT 06	RECEIPT #: A411755
PROJECT LOCATION 1515 MERIDIAN AVENUE APPROX. 9300 FT SBT FROM 1515 AVE.		AMOUNT: 2875.00
ZONING C-1		DATE: 28 JUNE 93
		BY: F. H. JIM

TO BE COMPLETED BY THE APPLICANT (PLEASE PRINT OR TYPE)		
Pursuant to the Provisions of Part 2 of Chapter 20.44 of the San Jose Municipal Code, application is made to request a:		
CHECK ONE BOX		
<input checked="" type="checkbox"/> CONDITIONAL USE PERMIT		
<input type="checkbox"/> AMENDMENT TO A CONDITIONAL USE PERMIT		
PREVIOUS CUP FILE NUMBER CP _____		
FOR THE PROPERTY LOCATED AT: 916 Meridian Ave.		
ASSESSOR'S PARCEL NUMBER(S) (APN) 264-02-049	GROSS ACREAGE 13,386 SF	NET ACREAGE 13,386 SF .304
EXISTING USE OF PROPERTY Taco Bell Restaurant	ESTIMATED DATE OF OCCUPANCY (month/year) Currently Occupied	
PROPOSED USE OF PROPERTY OR SUBJECT OF AMENDMENT Taco Bell are requesting their current hours of operation be modified so that they may remain open 24 hours. This application also includes installation of a walk-up window to serve customers after hours.		
IF PROPOSAL IS RESIDENTIAL - NUMBER OF UNITS	IF PROPOSAL IS NON-RESIDENTIAL - NEW GROSS BUILDING (SF) 1,042 SF building SQUARE FOOTAGE to remain.	
THE FOLLOWING EXHIBITS ARE ATTACHED HERETO AND MADE A PART THEREOF BY REFERENCE.		
<input checked="" type="checkbox"/> A LEGAL DESCRIPTION OF SUBJECT PROPERTY - EXHIBIT A		
<input type="checkbox"/> THE COMPLETE DEVELOPMENT PLAN SET FOR THE SUBJECT PROPERTY, ENTITLED _____		
DATED / / AND LAST REVISED / /		
CONSISTING OF _____ SHEETS		

NOTICE: THIS APPLICATION IS ACCEPTED BY APPOINTMENT ONLY. CALL 294-PLAN (7526).

**CONDITIONAL USE  
PERMIT/AMENDMENT****AFFIDAVIT OF OWNERSHIP****THE UNDERSIGNED HEREBY DECLARE THAT THE FOLLOWING IS TRUE AND CORRECT:**

1. The undersigned are all the owners of all the property described in Exhibit A - Legal Description of Subject Property, or tenants of the entire subject site with a recorded lease and a term remaining of at least five years.
2. The development plans a part of this application show the exact location, size, and use of all easements on the subject site and all easement on surrounding properties benefiting the subject property.
3. If there are any existing active or deactivated water wells on your property, they must be shown on your plans.  
The property which is the subject of this application:  
\_\_\_\_\_ does contain existing active or deactivated water wells and they are shown on the plans accompanying this application  
\_\_\_\_\_ does not contain existing active or deactivated water wells.
4. In conformance with Section 65962.5 of the California Government Code, and as owner(s) of the property referenced below, I(we) hereby certify that I(we) have reviewed the list of Hazardous Waste and Substance Sites within the City of San Jose, as compiled by the State Office of Planning and Research.  
The property which is the subject of the above-referenced application is \_\_\_\_\_ is not \_\_\_\_\_ included on said list.  
If included on the List, the listed item reads as follows:  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

**THE UNDERSIGNED HEREBY DECLARE THAT THEY UNDERSTAND THE FOLLOWING APPLIES TO THEIR PROJECT:**

5. **Notice to Applicants regarding effect of Wastewater treatment capacity on land development approvals.** Part 2.75 of Chapter 15.12 of the San Jose Municipal Codes requires that an applicant acknowledge the effect of Wastewater treatment capacity on Land development approvals at the time of application. As owner (s) of the property subject to this development application, I(we) hereby acknowledge the requirements of the Municipal Code, as stated below, and understand that these requirements will apply to the development permit for which I(we) am(are) applying.

Pursuant to Part 2.75 of Chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San Jose-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose-Santa Clara Water Pollution Control to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

PRINT OWNER'S NAME

Sara Denice

PHONE #

(408) 295-5212

ADDRESS

806 Meridian Way, San Jose, CA 95126

CORPORATION OR PARTNERSHIP NAME

TITLE OR OTHER OFFICIAL CAPACITY\*

OWNER'S SIGNATURE

X

DATE

5-20-1993

\* PLEASE STATE IF YOU ARE A PARTNER, PRESIDENT, VICE-PRESIDENT, ETC..

IF THERE ARE ADDITIONAL PROPERTY OWNERS, PLEASE USE THE FOLLOWING PAGE TO PROVIDE THE ABOVE INFORMATION.

**NOTICE: THIS APPLICATION IS ACCEPTED BY APPOINTMENT ONLY. CALL 294-PLAN (7526).**

**CONDITIONAL USE  
PERMIT/AMENDMENT**

CONTACT PERSON	
That for the purpose of processing and coordination of this application, the following person is my (our) designated representative/contact person:	
NAME Laura Sechrest	PHONE # (415) 457-0220
ADDRESS 1930 Fourth St., San Rafael, CA 94901	
NAME OF FIRM, IF APPLICABLE Fredric Divine Associates	
PROJECT DEVELOPER	
NAME OF PROJECT DEVELOPER (IF DIFFERENT THAN OWNER) Mike Sheehan, Market Manager	PHONE # (510) 838-7450
ADDRESS 1614 Fountain Spring Circle, Danville CA 94526	
NAME OF FIRM, IF APPLICABLE Taco Bell Corp.	
ARCHITECT and ENGINEER	
NAME OF ARCHITECT Fredric Divine Associates	PHONE # (415) 457-0220
ADDRESS 1930 Fourth Street, San Rafael	
NAME OF FIRM, IF APPLICABLE	
NAME OF ENGINEER None	PHONE # ( )
ADDRESS	
NAME OF FIRM, IF APPLICABLE	

**NOTICE: THIS APPLICATION IS ACCEPTED BY APPOINTMENT ONLY. CALL 294-PLAN (7526).**

Order No.  
Escrow No.  
Loan No.

4 PAGE 0054

11316373

FILED FOR RECORD  
AT REQUEST OF  
ATTORNEY

Apr 14 3 44 PM '92

OFFICIAL RECORDS  
SANTA CLARA COUNTY  
LAURIE KANE  
RECORDER

WHEN RECORDED MAIL TO:

STEPHEN J. SCHNEIDER  
SCHNEIDER & WALLERSTEIN  
LAW CORPORATION  
111 North Market St, #1000  
San Jose, CA 95115

REC FEE	4
RMP	2
MICRO	1
ATCF	1
LIEN	
SMPP	
3 PCOR	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

Sara Denice  
806 Meridian Avenue  
San Jose, California 95126

DOCUMENTARY TRANSFER TAX \$-0- No Consideration

Transfer to Trust  
Computed on the consideration or value of property conveyed; OR  
Computed on the consideration or value less liens or encumbrances  
remaining at time of sale

*Stephen J. Schneider, atty*

Signature of Declarant or Agent determining tax - Firm Name

### QUITCLAIM DEED

FOR NO CONSIDERATION, receipt of which is hereby acknowledged,  
widow,

Sara Denice, a

does hereby REMISE, RELEASE AND FOREVER QUITCLAIM to Sara Denice, trustee,  
or the successor trustee under the Sara Denice Revocable Inter Vivos  
Trust dated: April 9, 1992

the real property in the City of San Jose  
County of Santa Clara

, State of California, described as

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION  
ATTACHED HERETO AND MADE A PART HEREOF.

APN NOS: 264-02-049, 264-02-050, 264-02-051 Commonly known  
as 916, 910, and 900 Meridian Avenue, San Jose, California  
AND EXCEPTING APN NOS: 264-02-060; AND 264-02-006.

Dated April 9, 1992

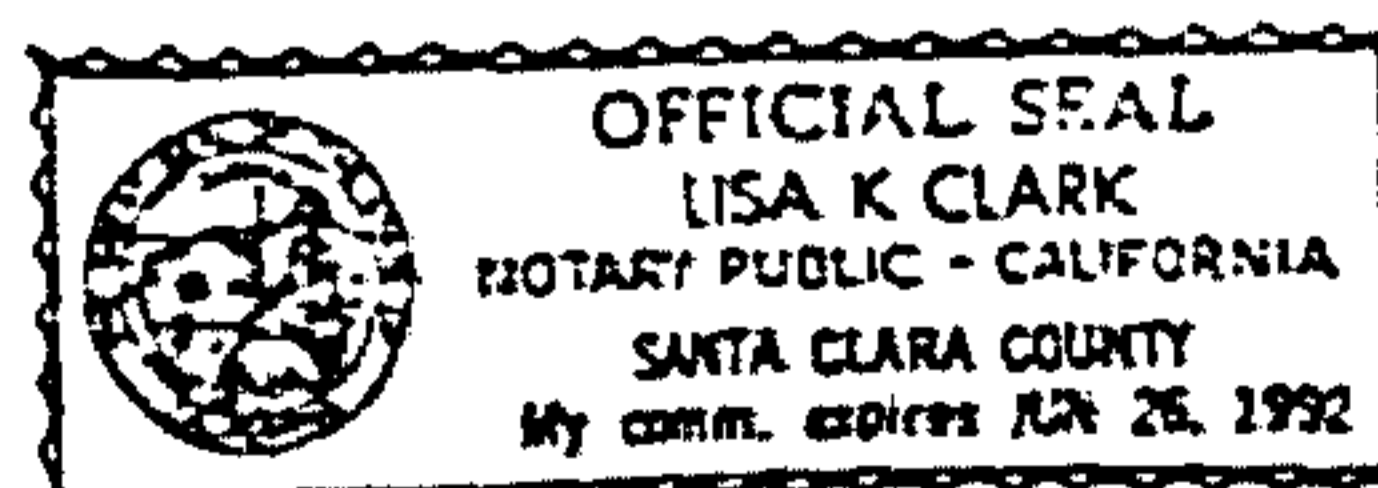
STATE OF CALIFORNIA  
COUNTY OF Santa Clara

On April 9, 1992 before me, LISA K. CLARK,  
notary public, personally appeared Sara Denice, personally known  
to me (or proved to me on the basis of satisfactory evidence) to  
be the person whose name is subscribed to the within instrument  
and acknowledged to me that she executed the same in her  
authorized capacity, and that by her signature on the instrument  
the person, or the entity upon behalf of which the person acted,  
executed the instrument.

WITNESS my hand and official seal.

*Lisa K. Clark*  
NOTARY PUBLIC

Sara Denice



(This area for official notarial seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

EXHIBIT "A"

BEGINNING at a one inch pipe at the intersection of the center line of Meridian Road with the Westerly prolongation of the South line of Fruitdale Avenue (formerly Carlos Street), said point of beginning being the Northwest corner of that certain 15.73 acre tract of land conveyed by the Estate of Robert G. Mitchell to Phoebe Mitchell et al as recorded on April 1, 1921 in Volume 532 of Deeds, at page 460, Records of Santa Clara County, California; and running thence along the South line of Fruitdale Avenue, also being the North line of said 15.73 acre tract of land, N. 89° 42' 1/2" E. 484.65 feet to a 3/4 inch pipe at the Northeast corner of said 15.73 acre tract of land; thence along the East line of said 15.73 acre tract of land South 449.40 feet to a 3/4 inch pipe; thence parallel with the South line of Fruitdale Avenue S. 89° 42' 1/2" W. 484.65 feet to a point in the center line of the Meridian Road, from which an iron bar in the East line of the Meridian Road bears No. 89° 42' 1/2" E. 33.00 feet; thence along the center line of the Meridian Road North 449.40 feet to the place of beginning, containing 5.00 acres, and being a portion of said 15.73 acre tract of land, and situated in the Los Coches Rancho, Santa Clara County, California.

## APN Nos:

264-02-049	916 Meridian Avenue, San Jose, California.
264-02-050	910 Meridian Avenue, San Jose, California.
264-02-051	900 Meridian Avenue, San Jose, California.

EXCEPTING THEREFROM, beginning at a 3/4 inch pipe in the South line of Fruitdale Avenue (formerly Carlos Street) at the Northeasterly corner of that certain 5.00 acre tract of land conveyed by Phoebe Mitchell to Benny Denice and Sara Denice, as recorded on February 8, 1943 records of Santa Clara County, California, and running thence along the south line of Fruitdale Avenue S. 89° 42' 30" W. 160.00 feet to a one inch pipe; thence parallel with the east line of said 5.00 acre tract of land South 449.40 feet to a one inch pipe in the South line of said 5.00 acre tract of land; thence along said South line N. 89° 42' 30" W. 160.00 feet to a 3/4 inch pipe in the Southeast corner of said 5.00 acre tract of land; thence along said east line North 449.40 feet to the place of beginning, containing 1.652 acres and being a portion of said 5.00 acre tract of land in the Los Coches Rancho, Santa Clara County, California.

EXCEPTING THEREFROM, beginning at an iron pipe in the Southerly line of Fruitdale Avenue, formerly Carlos Street, distant thereon S. 89° 42' 30" W. 160.0 feet from a 3/4 inch iron pipe at the Northeasterly corner of that certain 5.0 acre tract of land described in the Deed from Phoebe Mitchell, et al, to Benny Denice, et ux, dated February 23, 1943 and recorded March 8, 1943, in Book 1128 of Official Records, page 505; thence South, parallel with the Easterly line of said 5.0 acre tract, 449.40 feet to an iron pipe on the Southerly line thereof; thence S. 89° 42' 30" W. along the Southerly line of said 5.0 acre tract 150.0 feet; thence North parallel with Easterly line of Fruitdale Avenue; thence N. 89° 42' 30" E. along the Southerly line of Fruitdale Avenue 150.0 feet to the point of beginning and being a part of said 5.0 acre tract situated in the Los Coches Rancho.

Excepting APN Nos: 264-02-060 and 264-02-006

CPN-06-025JP

LOS ANGELES  
355 SOUTH GRAND AVENUE  
LOS ANGELES, CALIFORNIA 90071  
(213) 626-1717  
FACSIMILE (213) 626-1704

SAN JOSE  
50 WEST SAN FERNANDO STREET  
SAN JOSE, CALIFORNIA 95113  
(408) 295-3210  
FACSIMILE (408) 295-3612

PETTIT & MARTIN  
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION

101 CALIFORNIA STREET  
SAN FRANCISCO, CALIFORNIA 94111-5881

(415) 434-4000

FACSIMILE (415) 982-4608  
TELEX WU 330443 PEMLAWSFO

SENDER'S DIRECT DIAL NUMBER

NEWPORT BEACH  
4695 MACARTHUR COURT  
NEWPORT BEACH, CALIFORNIA 92660  
(714) 476-7676  
FACSIMILE (714) 476-0117

WASHINGTON, D.C.  
601 THIRTEENTH STREET, N.W.  
WASHINGTON, D.C. 20005  
(202) 637-1600  
FACSIMILE (202) 637-1600

ED

MAY 23 1994

SAN JOSE  
PLANNING DEPARTMENT

May 23, 1994

Mr. Ray Hashimoto  
Department of City Planning and Building  
801 North First Street, Room 400  
San Jose, CA 95110-1795

Re: Taco Bell Corporation's Conditional Use Permit  
Applications for 24-Hour Use

Dear Ray:

I have been asked to respond to your letter to Mike Sheehan dated May 6, 1994. We are, of course, familiar with the 24-Hour Policy adopted by the City Council on April 26, 1994. We are also aware that you deferred action on the applications for the 24-hour use pending action by the San Jose City Council of a policy.

As I indicated in our meeting, we are preparing materials, as necessary, and reviewing previous correspondence and comments we have received from you with regard to the applications in order to move forward. At the present time, it is likely that Taco Bell will move forward on only a portion of the applications, holding the others in abeyance pending action on those applications where it appears easier to go forward more quickly.

We look forward to identifying those applications and providing any supplemental material required as soon as possible.

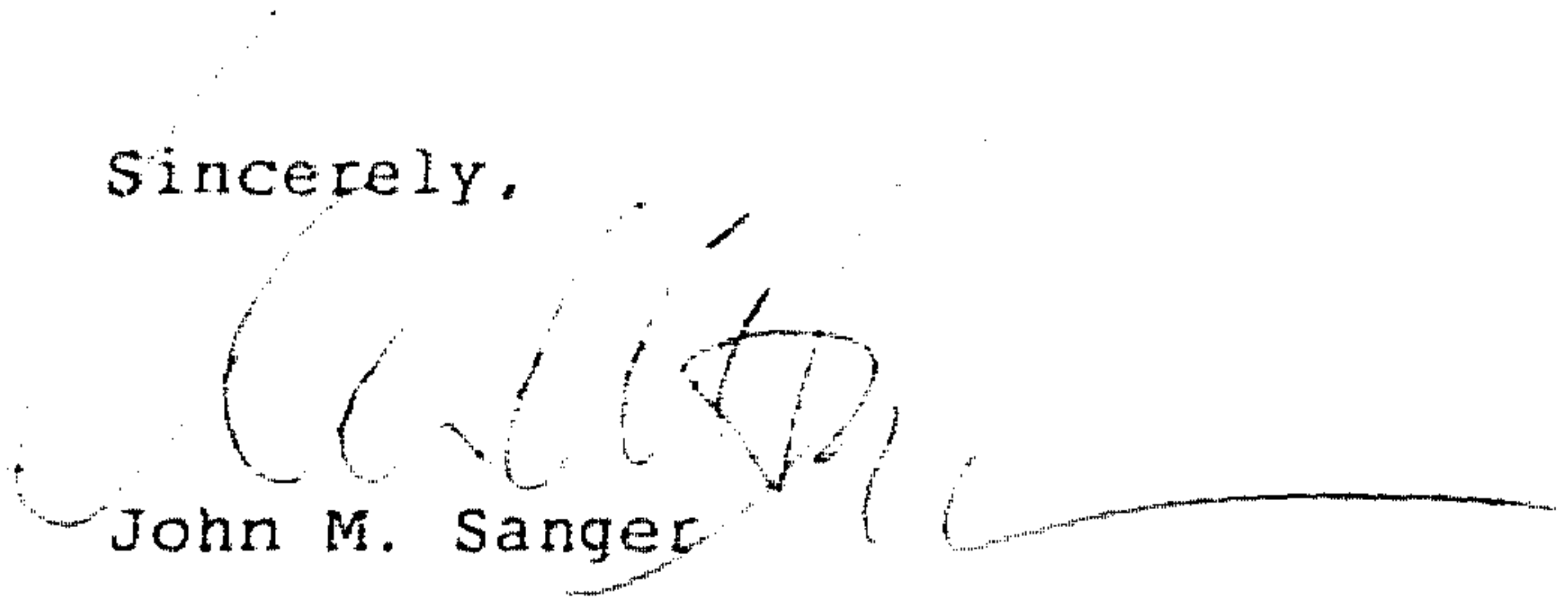
We have noted your comments regarding sign ordinance violations. Although we have discussed generalized possible violations in your office, we do not have any specific information regarding particular stores or particular violations. We will attempt to determine whether, in fact, there are any violations.

PETTIT & MARTIN

Mr. Ray Hashimoto  
May 23, 1994  
Page 2

We thank you for your cooperation.

Sincerely,



John M. Sanger

JMS:bpp  
5660S

cc: Mary Jean Duran  
Michael Sheehan  
Jerry Lovejoy, Esq.



## CITY OF SAN JOSÉ, CALIFORNIA

DEPARTMENT OF CITY PLANNING AND BUILDING  
801 NORTH FIRST STREET  
SAN JOSÉ, CA 95110-1795

GARY J. SCHOENNAUER

May 6, 1994

Mr. Mike Sheehan  
Taco Bell Corporation  
1614 Fountain Spring Circle  
Danville, CA 94526

Dear Mr. Sheehan:

RE: Taco Bell Corporation's 24-Hour Conditional Use Permit Applications

CP 93-05-016	Meridian & Willow
CP 93-06-021	E. Santa Clara Street
CP 93-06-022	Winchester & Payne
CP 93-06-025	Meridian & Fruitdale
CP 93-06-026	Blossom Hill & Waltrip
CP 93-06-028	Camden & Kooser
CP 93-06-030	Bascom & Fruitdale
CP 93-06-032	W. San Carlos Street & Richmond
CP 93-06-033	Snell & Giuffrida
CP 93-06-034	First St. & Floyd
CP 93-06-035	Story & King
CP 93-06-036	Capitol Expressway & Senter

In accordance with your previous requests we had deferred action on these applications for 24-hour use pending adoption by the San José City Council of a policy for such uses. As you know the City Council adopted the 24-Hour Use Policy on April 26, 1994. As such, we are preparing to move forward with your applications to Public Hearing before the Planning Commission. There are, however, a number of outstanding issues with your projects as they relate to the adopted 24-Hour Policy. The following is a list of the portions of the policy which are relevant to the projects and may present problems for approval:

- I.a. Area Use Compatibility
- I.b. Use Separation
- I.c. Outdoor Activities
- I.d. Police Issues
- I.g. Lighting
- I.j. Mitigation Management Plan
- 2.a. Restaurants

Mr. Mike Sheehan

May 6, 1994

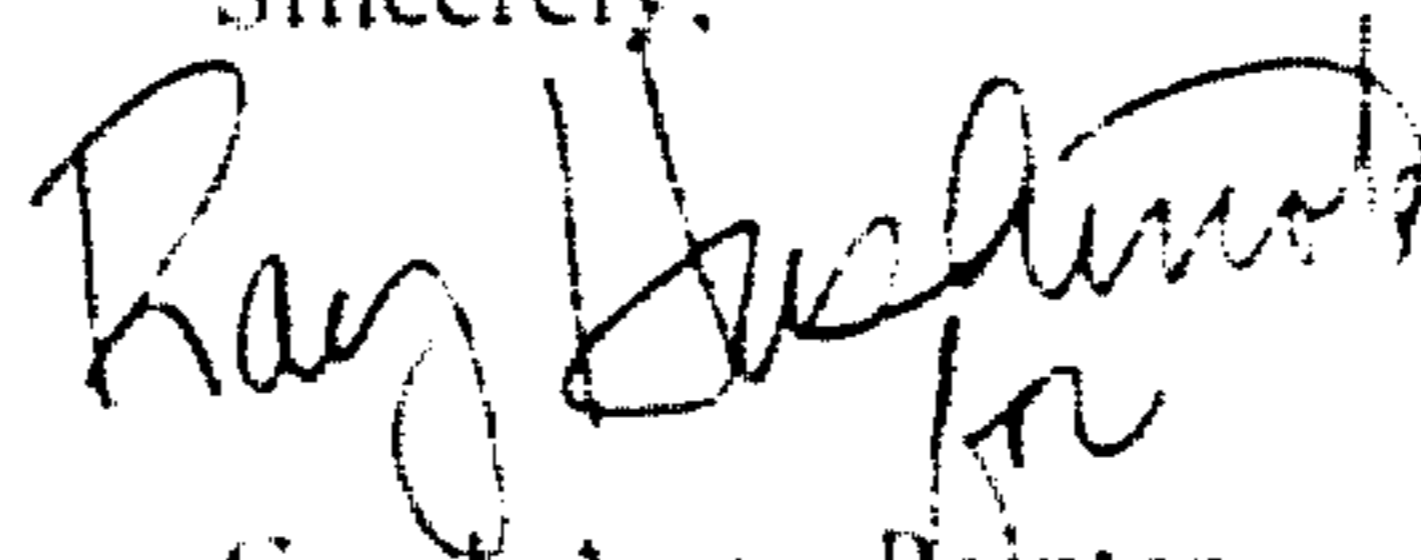
Page 2

I have enclosed a copy of the 24-Hour Policy for your review. Please respond to the above areas of concern so that we can understand your efforts to resolve these issues. In addition to the above concerns, your applications are still incomplete as noted in our previous letter of March 17, 1994, for which we have yet to receive a response. As you know these applications have been on file for quite some time and we are very anxious to complete the process. Please respond to all issues by May 20, 1994, so that we can move forward with your request and set a public hearing for sometime in June.

I would also like to take this opportunity to remind you that a number of Sign Ordinance violations have been noted for your facilities. If these violations are not corrected, the Planning Commission may choose not to approve your request until they are corrected. We would strongly recommend that you provide photographs prior to the public hearing documenting the removal of all such signs.

If you have any questions concerning specific projects, please call your Project Manager at (408) 277-4576.

Sincerely,



Carol Anne Painter  
Principal Planner

c: Ms. Laura Sechrest  
Fredric Divine Associates  
1930 4th Street  
San Rafael, CA 94901

Ms. Mary Jean Duran  
Taco Bell Corporation  
1825 S. Grant Street Suite 520  
San Mateo, CA 94402

Mr. Martin Orlick  
Tobin & Tobin  
One Montgomery Street 15th Floor  
San Francisco, CA 94104

Mr. John M. Sanger  
Pettit & Martin  
Attorneys at Law  
101 California Street  
San Francisco, CA 94111

LOS ANGELES OFFICE  
300 SOUTH GRAND AVENUE  
FIFTEENTH FLOOR  
LOS ANGELES, CALIFORNIA 90071-3125  
FACSIMILE (213) 647-2209  
(213) 647-2200

MARTIN H. ORLICK

TOBIN & TOBIN

A PROFESSIONAL LAW CORPORATION  
ONE MONTGOMERY STREET  
FIFTEENTH FLOOR  
SAN FRANCISCO, CALIFORNIA 94104  
FACSIMILE (415) 433-3883  
(415) 433-4400

RECEIVED  
OCT 21 1993

CITY OF SAN JOSE  
PLANNING DEPARTMENT

WALNUT CREEK OFFICE  
1675 NORTH CALIFORNIA BOULEVARD  
SUITE 690  
WALNUT CREEK, CALIFORNIA 94596  
FACSIMILE (510) 934-1582  
(510) 934-1400

RICHARD TOBIN (415) 433-3887  
ROBERT TOBIN (415) 433-3889  
CYRIL R. TOBIN (415) 433-3887

October 19, 1993

Mr. Raymond Hashimoto  
Senior Planner  
City of San Jose  
Department of City Planning  
400 City Hall Annex, 801 N. First St.  
San Jose, CA 95110

Re: Taco Bell Corporation 24-Hour Use Permit  
Applications  
Our file number: 1500-011

Dear Ray:

This will confirm our telephone conversations and voice mail messages that the City of San Jose will defer any public hearings on the following Conditional Use Permit Applications until after the City Council votes on the 24-Hour Policy:

CP 93-06-021  
CP 93-06-022  
CP 93-06-025  
CP 93-06-030  
CP 93-06-032  
CP 93-05-016

Mr. Mark Noack, as you know, has been instrumental in the entire process. He is unavailable between December 7, 1993 and January 4, 1994. Accordingly, we would respectfully request that any use permit hearings be set after January 4, 1994, so that Mr. Noack can participate and attend.

At your request, we have instructed our project architect to provide you with two sets of the mailing lists.

Please call if you have any further questions.

Very truly yours,

TOBIN & TOBIN

MARTIN H. ORLICK

MHO/cm

TOBIN & TOBIN

Mr. Raymond Hashimoto  
September 1, 1993  
Page 2

cc: Mr. Michael Sheehan  
Mr. Mark Noack  
Mr. Ronald Faris  
Mr. Eric Wieggers  
Mr. Hugh Murphy

mho\has10191a.ltr



## CITY OF SAN JOSÉ, CALIFORNIA

DEPARTMENT OF CITY PLANNING AND BUILDING  
601 NORTH FIRST STREET  
SAN JOSE, CA 95110-1735

October 7, 1993

GARY J. SCHOENNAUER  
DIRECTOR OF PLANNING

Mr. Mike Sheehan  
Taco Bell Corporation  
1614 Fountain Spring Circle  
Danville, CA 94526

Dear Mr. Sheehan:

RE: Conditional Use Permit, File No. CP 93-06-025, located at the east side of Meridan Avenue, approximately 430 feet southerly of Fruitdale Avenue.

We have noticed the above referenced item for public hearing before the Planning Commission on November 3, 1993. I am in the process of completing the analysis of the project based on the Draft Council Policy for 24-Hour Uses which is scheduled to be approved by the City Council prior to the November 3, 1993, Planning Commission hearing date. I have enclosed the Draft Policy for your consideration. Please review and provide any information in support of your request addressing the recommendations contained in the Draft Policy by October 15, 1993, so that I may incorporate it into the analysis for the project. The final Staff Report and recommendation for the project will be available on October 29, 1993.

Also, in view of the fact that the Planning Commissioner's normally inspect the sites prior to the Public Hearing, you should be prepared to address any on-going problems with compliance with the San José Sign Ordinance. It was our understanding from your letter of August 4, 1993, that Taco Bell would comply with the San José Sign Ordinance.

Please note that your application is incomplete because the previously enclosed Environmental Clearance application has not been submitted. Under CEQA, staff must recommend denial of your application due to this deficiency.

If you have any questions, please call me at (408) 277-4576.

Sincerely,

Jim Prandi  
Project Manager

JP:sf

c: Ms. Laura Sechrest  
Fredric Divine Associates  
1930 Fourth Street  
San Rafael, CA 94901

Mr. Martin Orlick  
Tobin & Tobin  
One Montgomery Street, 15th Floor  
San Francisco, CA 94104

Marilyn Bertrand  
Code Enforcement



Northwest Zone

San Jose, CA  
95110-1795

DATE: 8/4/93

TO: Mr. Gary J. Schoennauer  
Director of Planning  
City of San Jose, CA  
801 N. First Street  
San Jose, CA 95110-1795

FROM: Mike Sheehan

RE: 24 HOUR PERMITS FOR THE FOLLOWING FACILITIES:

<u>FILE#</u>	<u>LOCATION</u>	<u>FILE#</u>	<u>LOCATION</u>
06-027	Capital EXPWY	06-028	Camden Ave.
06-026	Blossom Hill Road	06-025	Meridian
06-032	San Carlos	06-034	First Street
06-036	Senter Rd.	06-035	Stroy Road
06-033	Snell Av.	06-030	Bascom Av.
06-022	Winchester Blvd.	06-021	Santa Clara
06-029	Monterey Hwy.		

Effective immediately, and until resolution of this pending use permit application, Taco Bell will voluntarily reduce its hours of operations at the above referenced restaurants to 6:00am to 12:00 midnight Sunday through Thursday. Friday and Saturday hours will be reduced to 6:00am to 2:00am to remain competitive with other quick service restaurants.

Taco Bell will be complying with the signage ordinances for the city of San Jose. We have already contacted code enforcement officer (Michelle Nelson) to review the ordinance, and have communicated our desire to be in compliance with her.

We look forward to working with you in the future.

Sincerely,

Michael Sheehan  
Market Manager  
(510) 838-7459

cc: Buikema, Richard  
Carillo, Lee  
Hashimoto, Ray  
Moche, Jeff  
Prandi, Jim

Chairwoman Emma Madrid  
S.J. Planning Commission  
San Jose City Hall  
801 N. 1<sup>st</sup> Street, Rm 400  
San Jose CA 95110

4 Aug. 93.

RECEIVED

AUG 05 1993

CITY OF SAN JOSE  
PLANNING DEPARTMENT

Dear Chairwoman Madrid;

I know you have already received a letter (petition) from a tenant of ours (James Taylor), but I wanted to take a moment and expand on his writings.

My husband and I are the resident managers of Envy Apartments, at 1380 Fruitdale Ave, San Jose. The Taco Bell at 916

Meridian is next door to our complex. We have been here since May 11<sup>th</sup> 1993, and have already had to experience the "ruckus" that goes on at early hours of the morning. When I say early, I mean between midnight and six a.m.

We've been awakened by car engines revving, car alarms, yelling, fighting, and also by extremely loud laughter & talking.

My husband and my apartment is not directly behind Taco Bell, but we are still woken by these people loitering in the Taco Bell parking lot. I know it's extremely bad for our tenants right next to the restaurant.

We've also been having problems with people crossing through our complex parking lot and picking the boards out of our fence to get to the neighboring restaurants. It's been very difficult to keep them in repair, because each time we repair them, someone does it again.

Just for your knowledge, we have an extreme garbage problem because of Taco Bell patrons.

Our complex parking lot is very often littered heavily with Taco Bell cups and wrappers. It gets very frustrating because we are trying very hard to improve this complex and I'm sure you understand how all of these occurrences make that very hard.

I hope this will help you

in determining a 24-hr. policy. We know you can't work miracles, but a little help would be greatly appreciated.

Thank you for your time,  
*Michelle & Gustavo*  
de la Cruz

(408) 971-6681

1380 Fruitdale Avenue No. 19  
San Jose CA 95126



## CITY OF SAN JOSE, CALIFORNIA

DEPARTMENT OF CITY PLANNING  
801 NORTH FIRST STREET  
SAN JOSE, CA 95110-1795

GARY J. SCHOENNAUER  
DIRECTOR OF PLANNING

August 3, 1993

Ms. Laura Sechrest  
Fredric Divine Associates  
1930 Fourth Street  
San Rafael, CA 94901

Dear Laura:

RE: File No. CP 93-06-025

Your application, referenced above, for development in the City of San Jose has undergone a preliminary review. The purpose of this review is to provide you with information as early as possible so you can appropriately respond to the issues identified below. While I am continuing to work on your application, your timely response will further expedite the process. Please understand that this is a preliminary review and additional comments may be made at a later time. If more than one application is listed above, the information below pertains to all of them.

In addition to the below enumerated site specific comments regarding this project, I should advise you that the City is in the process of developing specific criteria for review of 24-hour uses. We anticipate action on this policy by the San Jose Planning Commission on August 11, 1993. We will be scheduling your project for hearing after August 11, 1993, and therefore, will include the new policy in our analysis. I have enclosed a copy of the draft policy.

I would also like to take this opportunity to remind you of the City of San Jose's strong commitment to enforcement of its Sign Ordinance. Unfortunately, Taco Bell has exhibited a lack of compliance with these regulations in the past. We would expect that your facilities will be in compliance with the San Jose Sign Ordinance during the review of this project and that you will explain your efforts to remain in compliance at the public hearing for the project. We will, of course, recommend inclusion of a permit revocation provision in any permit approved, which will be closely monitored by the Code Enforcement Division of the City.

### COMPLETENESS OF YOUR APPLICATION

**Permit Streamlining Act:** Pursuant to the Permit Streamlining Act (Government Code Chapter 4.5 of Title 7), your application is not complete. Prior to a determination that the project application is complete, the following issues must be addressed.

1. **Plans:** Information identified in our application requirements for the following is missing from your submittal.

- a. Landscape Plan
- b. Conceptive Irrigation Plan

#### COMPLIANCE WITH CITY ORDINANCES, POLICIES, AND GUIDELINES

1. **Compliance:** This application has been reviewed for compliance with the following City Ordinances, Policies, and Guidelines. The remainder of the comments in this letter are based on this review.

- a. Horizon 2000 General Plan
- b. Zoning Ordinance
- c. Commercial Design Guidelines
- d. Landscape and Irrigation Guidelines
- e. 24-Hour Use Policy (draft)

#### COMMENTS FROM OTHER CITY DEPARTMENTS

**Department of Public Works:** A memorandum is attached for your information. These comments are preliminary and are intended to notify you about potential requirements for development. Concerns about any of these issues should be brought to my attention so that I can coordinate with appropriate City staff on your behalf. Notes should be added to reflect comments in the memorandum.

#### PROJECT DESIGN COMMENTS

As proposed, your project design raises some concerns. I would like to work with you to resolve the following issues so that I can ultimately recommend that your project be approved.

1. **Environmental Setting:** The enclosed Environmental Clearance Application should be filed for this project. The proximity of residential property to the proposed 24-hour walk-up window has been identified as a potential adverse environmental impact.
2. **Interface with Surrounding Uses:** This project is inconsistent with the 24-Hour Use Policy (see attached draft) i.e., residentially zoned, planned and used properties are located to the south and east of the site.

If you have any questions regarding the information contained in this letter, please feel free to give me a call at (408) 277-4576.

Sincerely,



Jim Prandi  
Project Manager

JP:sf

Attachments

c: Mr. Mike Sheehan  
Taco Bell Corporation  
1614 Fountain Spring Circle  
Danville, CA 94526

RECEIVED

AUG 04 1993

CITY OF SAN JOSE  
PLANNING DEPARTMENT

Aug. 3, 1993

Chairwoman Emma Madrid  
San Jose Planning Commission  
San Jose City Hall  
801 North First Street, Room 400  
San Jose, CA 95110

Dear Chairwoman Madrid:

I have lived for 20 years at the Envoy Apartments, a 40-unit apartment complex at 1380 Fruitdale Avenue, San Jose, which extends back so that many apartments are directly behind the Taco Bell which is located at 916 Meridian Avenue.

When I learned that the San Jose Planning Commission was in the process of developing a policy to govern all 24 hour businesses, such as fast food restaurants, convenience stores and supermarkets (San Jose Mercury News - July 28, 1993), I knew I had to share with you the experience my neighbors and I have had since Taco Bell began staying open 24 hours a day.

Almost immediately after the Taco Bell began staying open all night, we began being awakened at various times (mostly between 1:30 AM and 3:30 AM) by loud car stereos, rowdy talking and shouting, profanity, the honking of horns, the screeching of tires, and even (one night) the demonstration of several car's alarm systems.

One night that was particularly bad, I telephoned the Taco Bell and talked to the night shift manager. I could soon see that the shift manager was too intimidated by the noisy patrons to do anything to restore order. I could easily sympathize with him because the noisy patrons seemed to be for the most part either drunk or on drugs. Another tenant tried to call the San Jose Police, but could not get through. He hesitated tying up the 911 line for something that was not a life or death emergency.

I talked to the Taco Bell owner about the problem and he seemed most concerned and anxious to help. He promised to be at the store in the early morning hours and to perhaps rope off the back part of the parking lot. Things seemed to quiet down for awhile, but then it all started up again, especially on weekends and holidays.

The fact is that the owner cannot be there 24 hours a day, and as long as the Taco Bell is open all night it becomes a gathering place for a rowdy element.

Please take our experiences with the 24 hour Taco Bells into consideration as you hammer out a policy governing such operations.

We strongly feel permits for 24 hour businesses SHOULD NOT be issued to businesses located near residences, especially multiple dwelling, high density apartments or condominiums.

I would greatly appreciate it if you would keep me informed as to the progress you make in resolving this problem.

Sincerely,

*James W. Taylor*

James W. Taylor  
The Envoy Apartments  
1380 Fruitdale #34  
San Jose, CA 95126

Copies: Mr. Ray Hashimoto  
Senior Planner  
San Jose Planning Commission

Mr. Frank Fiscalini  
San Jose City Councilman, District 6

This letter is signed also by the following concerned neighbors:

<u>Signature</u>	<u>Print Your Name</u>	<u>Address</u>
<u><i>Gus de la Cruz</i></u>	<u>Gus &amp; Michelle de la Cruz</u>	<u>The Envoy Apartments</u> <u>1380 Fruitdale</u> <u>Apt. 19</u>
<u><i>Rex Zachary</i></u>	<u>Rex &amp; Laura Zachary</u>	<u>1380 Fruitdale</u> <u>Apt. 25</u>
<u><i>Elizabeth Mitchell</i></u>	<u>Elizabeth Mitchell</u>	<u>1380 Fruitdale</u> <u>Apt. 36</u>
<u><i>Dolores Hackett</i></u>	<u>Dolores Hackett</u>	<u>1380 Fruitdale</u> <u>Apt. 40</u>
<u><i>Michelle Livsey</i></u>	<u>Michelle Livsey</u>	<u>1380 Fruitdale</u> <u>Apt. 29</u>
<u><i>Florence Ballard</i></u>	<u>Florence Ballard</u>	<u>1380 Fruitdale</u> <u>Apt. 27</u>
<u><i>Shundra Phillips</i></u>	<u>Shundra Phillips</u>	<u>1380 Fruitdale</u> <u>Apt. 32</u>

# Opposition to 24-hour Taco Bell

*Neighborhood prefers  
existing restaurant*

BY JIM DICKEY  
Mercury News Staff Writer

A proposal to tear down a landmark Willow Glen restaurant and build a 24-hour Taco Bell is meeting strong opposition from neighbors who fear noise, litter and increased traffic congestion.

The proposal also tipped off planning officials that the food chain already is running around-the-clock without use permits, prompting the San Jose City Planning Department to develop a policy governing all businesses that operate around the clock, such as supermarkets and convenience stores.

The restaurant chain now is in the process of applying for the permits for 24-hour operation.

Taco Bell wants to tear down Tasso's Greek restaurant on the southwest corner of Meridian Avenue and Willow Street and replace it with a 68-seat Mexican eatery.

The restaurant has been operated for some 20 years by Tasso Perakis. It was built in 1957 and for many years carried the name Joe's Pic-a-Rib. It is owned by developer Donald Perrucci.

Tollie Golmon, 86, a retired print-shop owner, has gathered signatures of 86 neighbors protesting the change in the restaurant.

"Our main complaint is that Taco Bell wants to stay open after midnight, and we figure that will bring in a bad element, with loud music that will disturb the whole neighborhood and devalue our homes," Golmon said. Prices of homes in the area range from \$300,000 to \$500,000, he said.

Neighbors also fear litter, according to Golmon.

"A few years ago we had a drive-through restau-

**'Our main complaint is  
that Taco Bell wants to  
stay open after  
midnight, and we figure  
that will bring in a bad  
element.'**

See RESTAURANT, Page 2

# Opposition to plan for 24-hour Taco Ball

## ■ RESTAURANT

*from Page 1*

rant at Meridian and Westwood (Avenue, where Golmon lives), and every morning I would go out and pick up a five-gallon container of napkins, paper cups and paper plates that the wind blew down," he said.

Golmon said neighbors also fear traffic problems will be created because Taco Bell will draw more customers than the Greek restaurant and that the nearby streets are not designed to handle the extra traffic.

There already is a 24-hour Taco Bell two blocks away at 916 Meridian Ave., which Golmon claims led to the deterioration of nearby apartment houses.

Golmon also said he would miss Tasso's where he dines frequently and which he said "has the best lamb shanks this side of Athens."

The owner of the Greek restaurant said he also opposes the destruction of his restaurant. He said he spent \$50,000 adding air conditioning and making other improvements in the past year and then saw Perrucci double his rent to \$6,000 a month.

## It's time to develop a policy on 24-hour operations,

Hashimoto said.

"I tried to talk to him and say I can't afford it," Tasso said. "But he's forcing me out. He said he's going to find a new tenant."

Perrucci did not return a phone call from the Mercury News.

The proposal must go before the planning commission, said senior planner Ray Hashimoto. A hearing date has not been set.

"We need to deal with 24-hour operations in general and develop a policy on all of them," he said.

Around-the-clock operations are allowed with a conditional use permit, with restrictions placed on such things as noise and lighting, Hashimoto said. Because of the increase in supermarkets and other stores going 24-hours in recent years, "it's time to take a look" at the phenomenon and develop a policy, he said.

Hashimoto said he expects that policy to be ready for review by the planning commission on Aug. 11. If a policy is accepted, it will be applied to a couple of Taco

Bell operations at the Sept. 8 meeting. He said the department is also awaiting comments from the police department on the 24-hour operation.

Taco Bell operates 18 restau-

rants in the Santa Clara County, including 14 in San Jose. It has proposed making 13 of the San Jose restaurants into 24-hour operations. The exception is the one at 1546 Camden Ave.

**PROJECT NOTICED**

CITY OF SAN JOSE

☐ Neighborhood Preservation

☒ Code Compliance

☒ ESP

☒ Public Works

☐ Transportation Planning

☐ Hydraulics

☐ Landscape Architecture

☐ Municipal Water

☒ BLDG

☒ Fire Department

☒ Police Department

☐ Crime Prevention

☐ Research and Development

☒ Park and Recreation

☒ ~~Historic Landmarks Commission~~ <sup>STREETS AND TRAFFIC</sup>

☐ Airport Planning and Development

☐ Redevelopment Agency

☐ Staff \_\_\_\_\_

☐ Special Studies Group \_\_\_\_\_

☐ Staff \_\_\_\_\_

☐ Library

☐ Main

☐ Branch \_\_\_\_\_

COUNTY OF SANTA CLARA

☐ Planning Department

☐ Public Works

☐ Parks and Recreation

☐ Historical Heritage Commission

☐ Santa Clara Valley Water District

☐ Santa Clara County Transportation Agency  
Land Development Coordination  
Berger Drive

☐ LAFCO

☐ Airport Land Use Commission

☐ Environmental Health Services

☐ Human Relations Commission

FILE NO. CP93-06-025

SCHOOL DISTRICT

☐ San Jose Unified

☐ East Side Union High

☐ Berryessa Union Elementary

☐ Orchard Elementary

☐ Alum Rock Union Elementary

☐ Mt. Pleasant Elementary

☐ Evergreen Elementary

☐ Franklin-McKinley Elementary

☐ Oak Grove Elementary

☐ Campbell Union High

☐ Moreland Elementary

☐ Cambrian Elementary

☐ Union Elementary

☐ Campbell Union Elementary

☐ Fremont Union High

☐ Cupertino Union Elementary

☐ Los Gatos Joint Union High

☐ Los Gatos Union Elementary

☐ Santa Clara Unified

☐ Morgan Hill Unified

☐ San Jose City College

☐ West Valley Community College

☐ Foothill Community College

☐ San Jose State University

PUBLIC UTILITIES

☐ Pacific Gas and Electric

☐ San Jose Water Company

☐ Great Oaks Water Company

☐ Pacific Telephone and Telegraph  
Pacific-Bell

☐ Southern Pacific Railroad

☐ Western Pacific Railroad  
Union Pacific System

HEARING DATE: \_\_\_\_\_

RESPOND BY: \_\_\_\_\_

PROJECT COORDINATOR: \_\_\_\_\_

SPECIAL DISTRICTS

- ☐ Evergreen Research Conservation District  
☐ Sanitary District No. \_\_\_\_\_

LOCAL ORGANIZATIONS

- ☐ Archaeological Research Center  
☐ Sierra Club  
☐ Native Plant Society  
☐ Chamber of Commerce

LOCAL AGENCIES

- ☐ Housing Authority  
☐ E. S. O.  
☐ Council on Aging

REGIONAL AGENCIES

- ☐ Bay Area Air Quality Management Dist.  
☐ Association of Bay Area Governments  
☐ San Francisco Bay Conserv. and Dev.  
☐ San Francisco Bay Regional Water Quality  
☐ Metropolitan Transportation Commission

STATE AGENCIES

- ☐ State Dept. of Parks and Rec. (Historic Preservation)  
☐ State Clearinghouse (If this is checked, use Notice of Intent Form)  
☐ CALTRANS

FEDERAL AGENCIES

- ☐ Environmental Protection Agency  
☐ HUD, FHA-San Francisco Office  
☐ Army Corps of Engineers  
☐ Fish and Wildlife Service

PLANNING DEPARTMENTS

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| <input type="checkbox"/> Campbell  | <input type="checkbox"/> Morgan Hill |
| <input type="checkbox"/> Cupertino | <input type="checkbox"/> Santa Clara |
| <input type="checkbox"/> Los Gatos | <input type="checkbox"/> Saratoga    |
| <input type="checkbox"/> Milpitas  | <input type="checkbox"/> Sunnyvale   |

COUNCIL DISTRICTS

- ☐ No. \_\_\_\_\_

OTHER

- ☐ \_\_\_\_\_  
☐ \_\_\_\_\_  
☐ \_\_\_\_\_



File No. CP93-06-025

### DECLARATION OF MAILING

I certify that the attached Notice of Public Hearing was mailed to the project applicant(s) and the owners of parcels of land which are within 300 feet of the subject property as shown on the project mailing list, or as otherwise required by the San José Municipal Code. This notice was mailed on the date noted below.

22 OCT 93

Date Mailed

Karen Ferguson

Signature

# REVISED

## PUBLIC HEARING NOTICE

Dear San José Citizen:

You were previously advised that a Public Hearing would be held on Wednesday, November 3, 1993, at 7:00 p.m. in the City Council Chambers.

The project that was to be considered was:

**CP 93-06-025, Conditional Use Permit for exterior building modifications to an existing restaurant in conjunction with a new walk-up window and 24-hour operation on a 0.23-gross-acre site in the C-1 Commercial Zoning District located at the east side of Meridian Avenue, approximately 430 feet southerly of Fruitdale Avenue. (Sara Denice, Owner; Taco Bell, Developer). Council District 6. CEQA: Negative Declaration.**

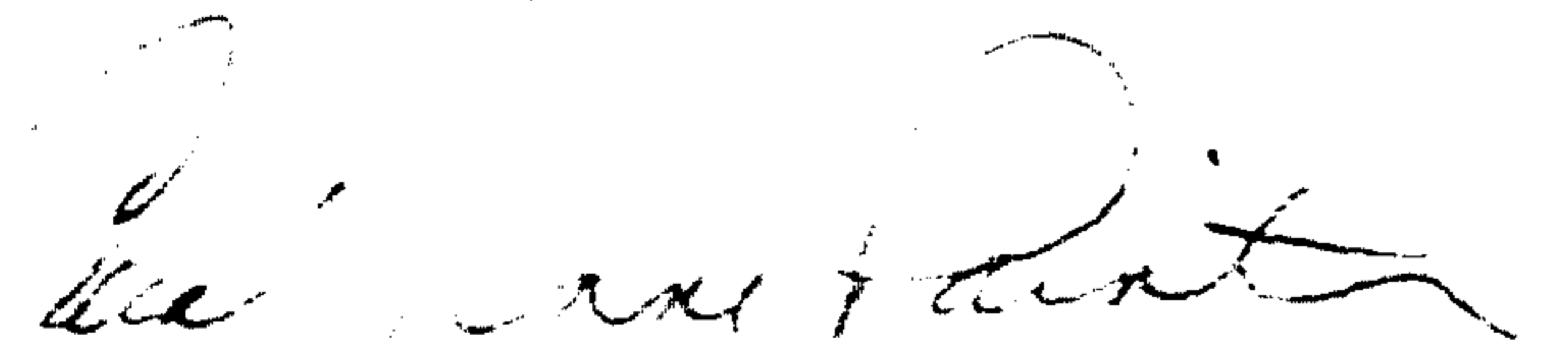
This revised notice is to inform you that this project will be dropped from the agenda and **WILL NOT** be heard on November 3, 1993. You **will be renoticed** with a new hearing date and time.

Reports, drawings, and documents for this project are on file and available for review 9:00 a.m. to 5:00 p.m., Monday through Friday at:

Department of City Planning and Building  
801 North First Street, Room 400  
San José, CA 95110  
(408) 277-4576

Comments and questions are welcome, and should be referred to **Jim Prandi** of the Department of City Planning and Building. Please refer to the above file number for further information on this project.

Gary J. Schoennauer  
Director of Planning



Carol Anne Painter, Deputy

Dated: October 22, 1993



File No. CP93-06-025

#### DECLARATION OF MAILING

I certify that the attached Notice of Public Hearing was mailed to the project applicant(s) and the owners of parcels of land which are within 300 feet of the subject property as shown on the project mailing list, or as otherwise required by the San José Municipal Code. This notice was mailed on the date noted below.

October 8, 1993  
Date Mailed

Susan Ferguson  
Signature

## PUBLIC HEARING NOTICE

The Planning Commission of the City of San José will hold a Public Hearing on **Wednesday, November 3, 1993**. This Public Hearing will be held in accordance with Title 20 of the San José Municipal Code.

The Public Hearing is to be in the City Council Chambers, on the second floor of City Hall, at 801 North First Street, San José, California, at **7:00 p.m.** or as soon thereafter as this item can be heard. You are welcome to attend and to speak on this issue. If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the Public Hearing or in written correspondence delivered to the City at or prior to the Public Hearing.

The decision of the Planning Commission may be appealed to City Council in accordance with the requirements of the San José Municipal Code. Instructions for filing a Permit Appeal are available from the Department of City Planning and Building.

The project being considered is:

**CP 93-06-025, Conditional Use Permit for exterior building modifications to an existing restaurant in conjunction with a new walk-up window and 24-hour operation on a 0.23-gross-acre site in the C-1 Commercial Zoning District located at the east side of Meridian Avenue, approximately 430 feet southerly of Fruitdale Avenue. (Sara Denice, Owner; Taco Bell, Developer). Council District 6. CEQA: Negative Declaration.**

Reports, drawings, and documents for this project are on file and available for review 9:00 a.m. to 5:00 p.m., Monday through Friday at:

Department of City Planning and Building  
801 North First Street, Room 400  
San José, CA 95110  
(408) 277-4576

A staff report and recommendations will be available for your review during the week of the Public Hearing at the Department of City Planning and Building.

Comments and questions are welcome, and should be referred to **Jim Prandi** of the Department of City Planning and Building. Please refer to the above file number for further information on this project. For your convenience, contact **Susan Fergerson** at the above telephone number the week of the Public Hearing to verify that this item will be heard and is not scheduled for deferral to a later date.

Gary J. Schoennauer  
Director of Planning



Carol Anne Painter, Deputy

Dated: October 6, 1993

at Stamp

\*\*\* METROSCAN LABELS \*\*\*

Date: 04/12/93

Report: Laser 3 Across Labels

Sort: Parcel Number

Count: 14

Parcel No. 264-02-000

Franz Baumgratz  
3311 Saint Michael Dr  
Palo Alto, CA  
94306-3058

Parcel No. 264-02-049  
Sara Denice  
806 Meridian Ave  
San Jose, CA 95126-3871

Parcel No. 264-02-060  
Tanner Construction Inc  
Po Box 635  
Campbell, CA 95009-0635

Parcel No. 264 02 061  
Isaac Abrams  
Po Box 7653  
San Jose, CA 95150-7653

Parcel No. 264 02 062  
Richard & Janet Lyons  
30 Inverness Way  
Hillsborough, CA  
94010-7215

Parcel No. 284 01 001  
Jose Hospital San  
4635 Georgetown Pl  
Stockton, CA 95207-6203

Parcel No. 284 03 004  
Fruitdale Office  
1813 Kirklyn Dr  
San Jose, CA 95124-1234

Parcel No. 284 03 005  
Dorothy & Carmelo Iudice  
1658 Trona Way  
San Jose, CA 95125-5056

Parcel No. 284 03 006  
Mary & Brian Barnard  
915 Meridian Ave  
San Jose, CA 95126-4097

Parcel No. 284 03 007  
Joseph & Jewel Sunzeri  
2587 Nightingale Dr  
San Jose, CA 95125-2924

Parcel No. 284 03 008  
Jack & Angelina Sunzeri  
2558 Horace Ave  
San Jose, CA 95124-1322

Parcel No. 284 03 009  
Bill Paplos  
1634 W I St  
Los Banos, CA  
93635-4532

Parcel No. 284 03 011  
Theresa Scialabba  
6192 Mcabee Rd  
San Jose, CA 95120-3940

Parcel No. 284 03 012  
Sal & Marie Giafaglione  
403 Nottingham Way  
Campbell, CA 95008-0817

Parcel No. 264 02 006  
Occupant  
1336 Fruitdale Avenue  
San Jose, CA 95126

Total records = 17  
CR screened = 0  
Dups screened = 3  
Bad address = 0  
Labels produced = 14

Parcel No. 264 02 049  
Occupant  
916 Maridian Avenue  
San Jose, CA 95126

Parcel No. 264 02 060  
Occupant  
1380 Fruitdale Avenue  
San Jose, CA 95126

Parcel No. 264 02 061  
Occupant  
970 Meridian Avenue  
San Jose, CA 95126

Parcel No. 264 02 062  
Occupant  
950 Meridian Avenue  
San Jose, CA 95126

Parcel No. 284 03 005  
Occupant  
1400 Fruitdale Avenue  
San Jose, CA 95128

Parcel No. 284 03 007  
Occupant  
919 Meridian Avenue  
San Jose, CA 95126

Parcel No. 284 03 008  
Occupant  
921 Meridian Avenue  
San Jose, CA 95126

Parcel No. 284 03 009  
Occupant  
923 Meridian Avenue  
San Jose, CA 95126

Parcel No. 284 03 010  
Occupant  
927 Meridian Avenue  
San Jose, CA 95126

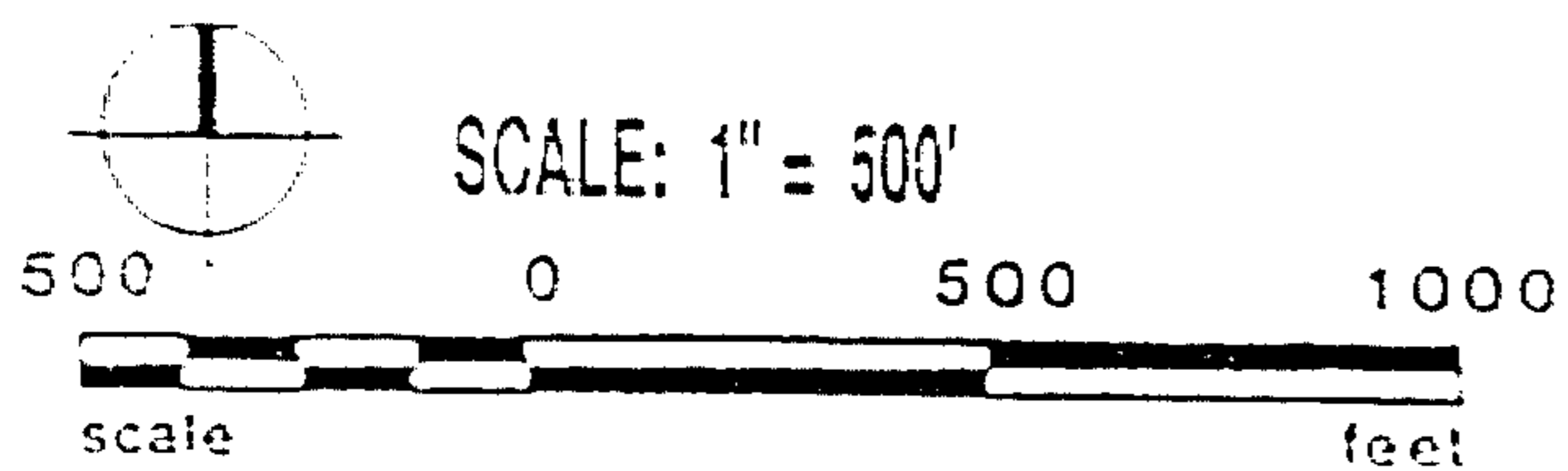
Parcel No. 284 03 011  
Occupant  
931 Meridian Avenue  
San Jose, CA 95126

Parcel No. 284 03 012  
Occupant  
935 Meridian Avenue  
San Jose, CA 95126

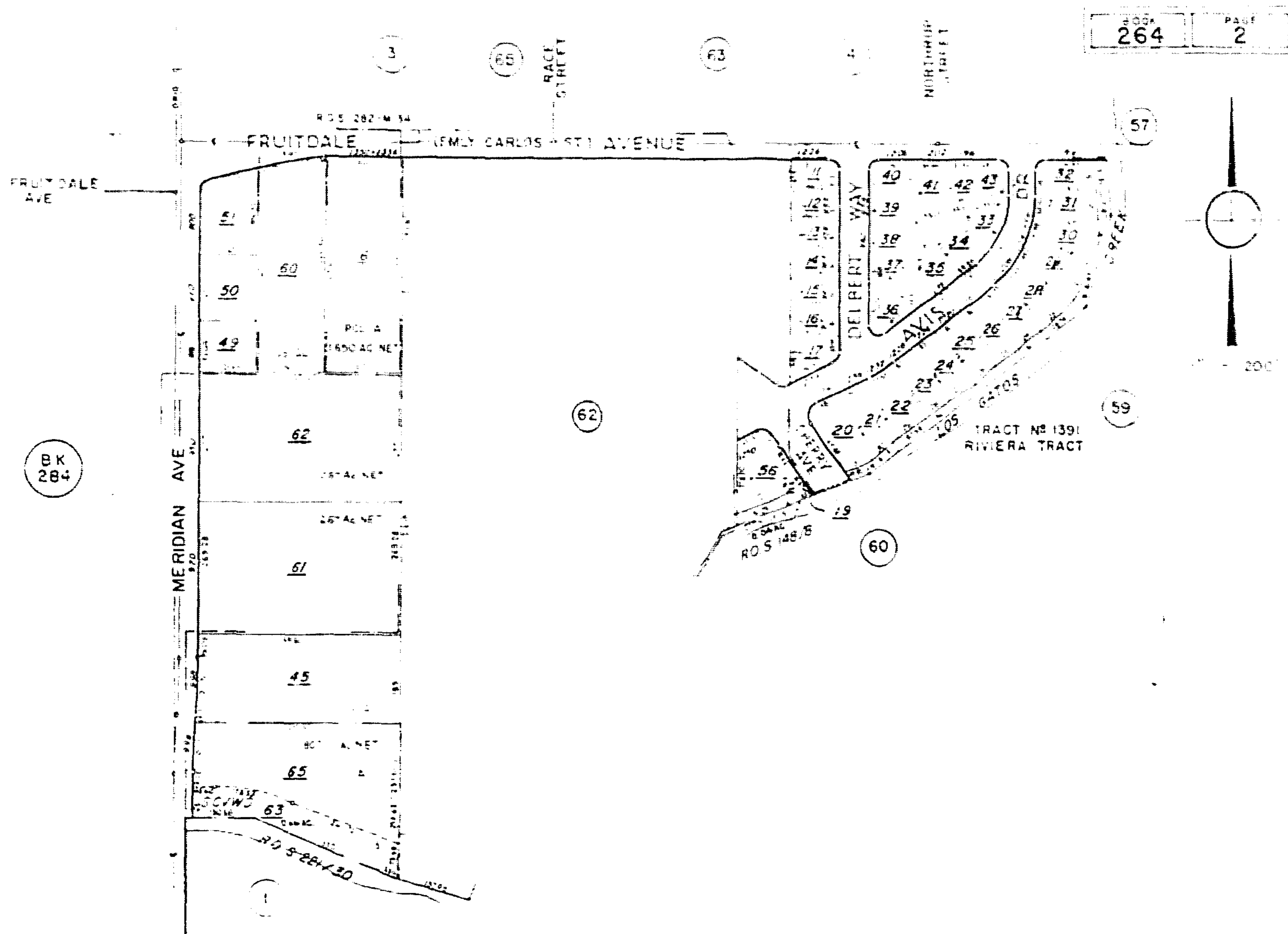
284-03-013,015  
Peter LaBarbera  
6835 Hampton Dr.  
San Jose, CA 95120

284-03-013,015  
Occupant  
961 Meridian Ave.  
San Jose, CA 95126

284-03-043,044  
Chai House II, Inc.  
814 St. Elizabeth Dr.  
San Jose, CA 95126



QUAD NO: 98






City of San Jose

Department of City Planning

801 North First Street, Room 400  
San Jose, CA 95110  
(408) 277-4576

## EXEMPTION FROM ENVIRONMENTAL REVIEW APPLICATION

TO BE COMPLETED BY DEPARTMENT OF CITY PLANNING STAFF			
FILE NUMBER <u>CPA 3-06-025</u>		COUNCIL DISTRICT <u>06</u>	RECEIPT #: <u>A411755</u>
QUAD # <u>98</u>	ZONING DISTRICT <u>C-1</u>	GENERAL PLAN DESIGNATION <u>HDR</u>	DATE: <u>28 JUNE 93</u>
LOCATION <u>E/S MERIDOWN AVENUE DRIV. 430 FT SW</u> <u>FRUITDOLE AVENUE</u>			AMOUNT: <u>225.00</u> BY: <u>F. WISTM</u>

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
PROJECT DESCRIPTION (Include square footage of any new construction) <u>Taco Bell request that their hours of operation be modified so that</u> <u>they may remain open for 24 hours. This application also includes installation</u> <u>of a walk-up window.</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>264-02-049</u>	ACREAGE (gross) <u>13,380 SF</u>
PLEASE REFER TO THE ATTACHED LIST OF EXEMPTIONS AND FIND THE SECTION NUMBER OF THE EXEMPTION THAT BEST DESCRIBES YOUR PROJECT. WRITE THAT SECTION NUMBER IN THE SPACE PROVIDED.  SECTION #: <u>21.08.160 (2.1)</u>  Describe how your project conforms to the code section cited above: <u>Taco Bell is proposing a new</u> <u>walk-up window which will involve minor exterior and interior</u> <u>alterations.</u>	
PRINT NAME OF APPLICANT <u>Fredric Divine Associates</u>	
DAYTIME TELEPHONE # <u>(415) 457-0200</u>	
ADDRESS <u>1930 Fourth Street</u>	CITY <u>San Rafael</u>
STATE <u>CA</u>	ZIP CODE <u>94901</u>
SIGNATURE 	DATE <u>6.28.93</u>